

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0286

## SENATE BILL NO. 17

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise the definition of motor vehicles that are subject  
2 to the lemon law.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-6D-1 be amended to read as follows:

5 32-6D-1. Terms used in this chapter mean:

- 6 (1) "Consumer," the purchaser, other than for purposes of resale, of a new or previously  
7 untitled motor vehicle used in substantial part for personal, family, or household  
8 purposes, and any other person entitled by the terms of the warranty to enforce the  
9 obligations of the warranty;
- 10 (2) "Express warranty," a written warranty, so labeled, issued by the manufacturer of a  
11 new motor vehicle, including any terms or conditions precedent to the enforcement  
12 of obligations under that warranty;
- 13 (3) "Lemon law rights period," the period ending one year after the date of the original  
14 delivery of a motor vehicle to a consumer or the first twelve thousand miles of  
15 operation, whichever first occurs;



- 1       (4)    "Manufacturer," the person, firm, corporation, or limited liability company engaged  
2            in the business of manufacturing, importing, or distributing motor vehicles to be  
3            made available to a motor vehicle dealer for retail sale;
- 4       (5)    "Motor vehicle," every vehicle intended primarily for use and operation on the public  
5            highways which is self-propelled. The term does not apply to any motor home or to  
6            any motor vehicle having a manufacturer's gross vehicle weight rating of ~~ten~~ fifteen  
7            thousand pounds or more;
- 8       (6)    "Motor vehicle dealer" or "authorized dealer," any person operating under a dealer  
9            agreement from a manufacturer and licensed pursuant to chapter 32-6B;
- 10      (7)    "Nonconforming condition," any condition of a motor vehicle that is not in  
11            conformity with the terms of any express warranty issued by the manufacturer to a  
12            consumer and that significantly impairs the use, value, or safety of the motor vehicle  
13            and occurs or arises solely in the course of the ordinary use of the motor vehicle, and  
14            that does not arise or occur as a result of abuse, neglect, modification, or alteration  
15            of the motor vehicle not authorized by the manufacturer, nor from any accident or  
16            other damage to the motor vehicle which occurs or arises after the motor vehicle was  
17            delivered by an authorized dealer to the consumer;
- 18      (8)    "Notice of a nonconforming condition," a written statement delivered to the  
19            manufacturer and which describes the motor vehicle, the nonconforming condition,  
20            and all previous attempts to correct such nonconforming condition by identifying the  
21            person who made the attempt and the time the attempt was made.